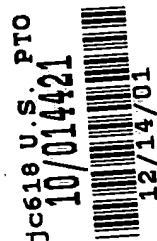




NAOKI YOSHIDA  
202.408.6057  
naoki.yoshida@finnegan.com

December 14, 2001



ATTORNEY DOCKET NO. 5686.0046-00  
CUSTOMER NO. 22,852

**Box PATENT APPLICATION**  
**Commissioner for Patents and Trademarks**  
**Washington, DC 20231**

New U.S. Patent Application  
Title: MECHANICAL LUNG  
Inventors: John E. OWENS, et al.

Sir:

We enclose the following papers for filing in the United States Patent and Trademark Office in connection with the above patent application.

1. Application - 15 pages, including 2 independent claims and 19 claims total.
2. Drawings - 8 sheets of drawings (Figures 1-8).
3. Request for Non-Publication of Application and Certification Under 35 U.S.C. § 122(b)(2)(B)(i).
4. Declaration and Power of Attorney.
5. The filing fee is calculated as follows:

|   |                  |   |       |              |        |           |
|---|------------------|---|-------|--------------|--------|-----------|
| Basic Application Filing Fee                                    |                  |   |       |              | \$740  | \$ 740.00 |
|   | Number of Claims |   | Basic | Extra Claims |        |           |
| Total Claims  | 19               | - | 20    | 0            | x \$18 | 0         |
| Independent Claims  | 2                | - | 3     | 0            | x \$84 | 0         |
| <input type="checkbox"/> Presentation of Multiple Dep. Claim(s) |                  |   |       |              | +\$280 | 0         |
| Subtotal  |                  |   |       |              |        | \$ 740.00 |
| Reduction by 1/2 if small entity                                |                  |   |       |              |        | \$ 0      |
| TOTAL APPLICATION FILING FEE                                    |                  |   |       |              |        | \$ 740.00 |

6. A check for \$740.00 to be applied for the filing fee is enclosed.

Applicants claim the right to priority based on U.S. Provisional Patent Application No. 60/255,430 filed December 15, 2000.

Please address all correspondence with respect to this application to:

Finnegan, Henderson, Farabow,  
Garrett & Dunner, L.L.P.  
1300 I Street, N.W.  
Washington, D.C. 20005-3315

This application is being filed under the provisions of 37 C.F.R. § 1.53(f). Applicants await notification from the Patent and Trademark Office of the time set for filing the Declaration.

Please accord this application an application number and filing date.

FINNEGAN  
HENDERSON  
FARABOW  
GARRETT &  
DUNNER LLP

[illegible]

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
John E. OWENS, et al. ) Group Art Unit: Not Yet Assigned  
Application No.: Not Yet Assigned ) Examiner: Not Yet Assigned  
Filed: December 14, 2001 )  
For: MECHANICAL LUNG )

Commissioner for Patents and Trademarks  
Washington, DC 20231

Sir:

**REQUEST FOR NON-PUBLICATION OF APPLICATION AND  
CERTIFICATION UNDER 35 U.S.C. § 122(b)(2)(B)(i)**

Applicants hereby certify that the invention disclosed in the attached application has not and will not be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

Applicants hereby request that the attached application not be published under 35 U.S.C. § 122(b).

Applicants further understand that this non-publication request may be rescinded at any time and if so, the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

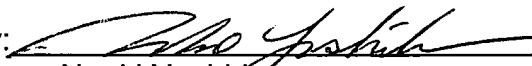
Applicants further understand that if Applicants subsequently file an application directed to the invention disclosed in the attached application in another country, or

under a multilateral international agreement, that requires publication of applications eighteen months after filing, the United States Patent and Trademark Office must be notified of such filing within forty-five (45) days after the date of the filing of such foreign or international application. Applicants also understand that failure by Applicants to so notify the Patent and Trademark Office will result in abandonment of this application.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: December 14, 2001

By:   
Naoki Yoshida  
Reg. No. 48,108

1300 I STREET, N.W.  
WASHINGTON, DC 20005  
202-408-4000